

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES COLEY SMITH,

Plaintiff,

v.

DEPUTY SHERIFF MYGATT
Cobb County Deputy Sheriff, et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:14-CV-1818-TWT

ORDER

This is a Section 1983 action. It is before the Court on the Report and Recommendation [Doc. 33] of the Magistrate Judge recommending granting the Defendants' Motion for Summary Judgment [Doc. 24]. For the reasons set forth in the thorough and well reasoned Report and Recommendation, the Plaintiff limited himself to a Fourth amendment excessive force claim. As the Plaintiff was already in custody pursuant to a criminal conviction, there was no seizure of the Plaintiff. The Court approves and adopts the Report and Recommendation as the judgment of the Court. The Defendants' Motion for Summary Judgment [Doc. 24] is GRANTED.

SO ORDERED, this 16 day of December, 2015.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge